

**UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

J. Paul McHenry, individually and on behalf of
all others similarly situated,

Plaintiff,

v.

Advent Health Partners, Inc.,

Defendant.

Case No. 3:22-cv-00287

Judge Eli Richardson

Magistrate Judge Alistair E. Newbern

JURY DEMAND

**PLAINTIFF’S UNOPPOSED MOTION
FOR PRELIMINARY APPROVAL OF CLASS ACTION SETTLEMENT**

Plaintiff J. Paul McHenry (“Plaintiff”), individually and behalf of all others similarly situated, hereby moves this Court to:

1. Preliminarily approve the Settlement described in the “Settlement Agreement” between Plaintiff and Defendant Advent Health Partners, Inc. (“Advent Health”), and the attachments thereto, including the Short Form Notice, Long Form Notice, Claim Form, [Proposed] Order Granting Preliminary Approval of Class Action Settlement (“[Proposed] Preliminary Approval Order”), and [Proposed] Order and Judgment Granting Final Approval of Class Action Settlement (“[Proposed] Final Order and Judgment”), attached as **Exhibit 1** to the Memorandum of Points and Authorities in Support of the Motion for Preliminary Approval of Class Action Settlement (“Memorandum”);
2. Conditionally certify the Settlement Class;
3. Appoint Plaintiff J. Paul McHenry as Class Representative;

4. Appoint David K. Lietz and Gary M. Klinger of Milberg Coleman Bryson Phillips Grossman, PLLC and Nicholas A. Migliaccio of Migliaccio & Rathod, LLP as Settlement Class Counsel;

5. Approve a customary Short Form Notice to be mailed to Settlement Class Members (the “Short Notice”) in a form substantially similar to that attached as **Exhibit A** to the Settlement Agreement;

6. Approve a customary Long Form Notice (“Long Notice”) to be posted on the Settlement Website in a form substantially similar to the one attached as **Exhibit B** to the Settlement Agreement;

7. Direct Notice to be sent to the Settlement Class in the form and manner proposed as set forth in the Settlement Agreement and **Exhibits A and B** thereto;

8. Appoint The Angeion Group to serve as the Claims Administrator;

9. Approve the use of a Claim Form substantially similar to that attached as **Exhibit C** to the Settlement Agreement;

10. Set a hearing date and schedule for Final Approval of the Settlement and consideration of Class Counsel’s Motion for Award of Fees, Costs, Expenses, and Service Award;

This Motion is based upon: (1) this Motion; (2) the Memorandum; (3) the Declaration of David K. Lietz, attached to the Memorandum as **Exhibit 2**; (4) the Settlement Agreement; (5) the Notices of Class Action Settlement (Short Form and Long Form); (6) the Claim Form; (7) the [Proposed] Preliminary Approval Order; (8) the [Proposed] Final Order and Judgment; (9) the records, pleadings, and papers filed in this action; and (10) upon such other documentary and oral evidence or argument as may be presented to the Court at or prior to the hearing of this Motion.

Dated: November 16, 2022

Respectfully submitted,

/s/ David K. Lietz

David K. Lietz
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*Proposed Class Counsel for Plaintiff and the
Proposed Settlement Class*

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on November 16, 2022, the foregoing document was filed via the Court's ECF system, which will cause a true and correct copy of the same to be served electronically on all ECF-registered counsel of record.

/s/ David K. Lietz

David K. Lietz (admitted *pro hac vice*)